

hpd: Firstly, I'd like to hear from you as a representative of the United Nations, what is the key takeaways of this report?

Heenan: Well, this report covers a long period – ten years – and it covers the full range of human rights issues. It is comprehensive in both time and breadth. The main conclusion is this: Since 2014, there has been no improvement in the human rights situation, except for some minor nominal improvements. And in key areas there has been a significant degradation.

The report goes through civil and political rights as well as economic, social and cultural rights. It looks at the fact that there has been no accountability within the DPRK for international crimes. And it also looks at the context in which this is happening, which is a stronger isolation of the country.

The report draws two main conclusions:

Firstly, there needs to be a correction of course, or else we will have another decade of suffering. The High Commissioner calls the last decade the "lost decade" based on this report. We need a U-turn and the roadmap for that change is the human rights treaties the DPRK has voluntarily ratified. We need accountability, preferably within the DPRK, and if that isn't possible, outside. We call for referral to the International Criminal Court. We call for member states to exert universal or extraterritorial jurisdiction to hold individuals to account, and that's relevant for some member states, including Germany.

Secondly, this is, altogether, a forward-looking report. We need to build momentum and credibility. Over the years, the UN has provided hundreds of recommendations to the DPRK. The High Commissioner said: "I support these recommendations, but here and now steps are needed to build momentum, confidence and credibility." He's even said: "Invite me, I will come to Pyongyang if that helps, to engage with and to talk about the way forward."

hpd: The term "lost decade" seems to be both a very fitting and a very harsh term. To an extent, you could say, the strategy we employed over the last ten years doesn't work. There needs to be concrete acknowledgement and accountability regarding the situation in the country and these need to be the baselines going forward, correct?

Heenan: Yes, and I would add the dimension of engagement. We are a UN agency and the DPRK is a member state. We come from a perspective of accountability and monitoring, finding out where these problems are and highlighting them, which, as you can imagine, isn't always popular. Acknowledgement and accountability need to be linked to engagement, to reaching out and offering assistance. In our experience, you cannot have one without the other.

North Korea is an incredibly isolated country, probably the most isolated country in the world, so people are justifiably lost, they are asking: "What even is engagement with a country like the DPRK?"

But we already do it, we engage in capacity building, but that has to change a lot. There needs to be an opening-up. The story of last five years is the sealing of the country. Now, the border is closed and essentially sealed. People can't come and go. People can't get information from outside, that is severely punished. People can't send information outside and there is no access to the world wide web. So, particularly young people are losing all opportunities to thrive in an interconnected world. It's a bubble. In order to move forward on human rights, this isolation needs to be lifted.

hpd: You have mentioned minor improvements in the context of human rights, where would these be?

Heenan: For example, there's been lots of new laws in the last four years. On their face, these laws increase human rights protections and are more aligned with international human rights standards, for example the new law on the treatment of detainees. It incorporates parts of the UN minimum rules on the treatment of detainees, the so called 'Nelson Mandela rules'. There's also a new law on disability, which moves from a medical to a rights-based approach. These have been adopted and

that's positive, but whether they are implemented is another question.

Another area of improvement is detainees, as mentioned. Over the years, we interviewed thousands of people and for this report alone, we interviewed hundreds. Quite a few told us the treatment by guards while detained was better than in the past. Sometimes guards said that's because of international pressure, sometimes interviewees said guards were more aware of human rights standards. These are minor improvements, but they exist.

hpd: That is interesting, especially when contrasted to an increased prevalence of the death penalty. There is also an increased range of offenses that can carry the death penalty, specifically for what I want to call 'information crime', as in, distributing, procuring and consuming foreign information. Can you elaborate on that?

Heenan: The DPRK has always had the death penalty, the country sees it as a legitimate form of punishment in the criminal justice system. They execute people and they publicly execute people, that's not a secret.

There is two types of situations where you can be sentenced to death. One is for "ordinary" crimes like murder, drug trafficking, pornography and so on. Execution for those crimes is mostly prohibited by international law. It only allows the death penalty for intentional murder. For drug trafficking, for example, it is not allowed. Executions for these crimes have increased during the last ten years, there has been a sort of "crackdown".

Then there's the other basket, political crimes for example. What's new is the introduction of crimes linked to the exercise of freedoms. Most famous is the distribution of unauthorized foreign material. If you distribute over a certain threshold, as in, reach a certain number of people, you can be sentenced to death. We've seen reports, credible reports, about people being executed for watching and distributing foreign material. The most famous example would be K-dramas, but any unauthorized foreign material can attract the death penalty. Using the death penalty against people for exercising their freedoms, their fundamental freedoms, is absolutely prohibited under international law. That's a real matter of concern.

There is also new crimes that are attracting the death penalty. For example, not complying with covid prevention measures or keeping medicine stocked at home. Many people have trouble getting medicine, so they keep a stock at home for when the kids get sick. That's now a crime that can in certain cases attract the death penalty. Overall, North Korea is going against the global trend of reducing the death penalty and that's an important takeaway of the report.

hpd: North Korea seems to have used the pandemic and the pandemic-induced shutdown of the borders to tighten their grip around the freedom of movement even more. At the moment we don't seem to have any exchange with North Korea. Do we expect exchange and engagement to resume, especially considering North Korea's move towards Russia, or is that something we will have to wait for for a few years, until we can expect a realignment of North Korea towards Europe?

Heenan: The covid closures were a key moment for human rights in this decade. If we are talking security policy, the nuclear tests in 2016/2017 would be key. If we are talking politics, the Trump summits would have been key. But for human rights, covid was key.

To be clear, the re-isolation didn't start with the covid closures, these developments started before, but were accelerated by covid because covid provided a good reason to accelerate. We've seen the essential sealing of the northern border, which was relatively open before, people could move and trade. That changed, now we have guard posts every 50 meters.

This is aided by technology. For example, we believe the broad use of 3G has allowed those sorts of restrictions to be policed much more. Also through the use of cameras. It's very hard to bribe a camera to cross a border.

We also saw the covid period as a period of general suppression of human rights, we've seen harsh punishments up to death for not following covid restrictions. Beyond that, we saw a recentralization of power, for example a recentralization of the economy. The limited private markets that existed were largely suppressed. That's important, because many people relied on those markets to feed themselves and their families.

The standard situation is: The husband has a state assigned job that he has to show up to. He usually gets little or no wage or rations, which would be food. So it is on women to both look after the family and to make money to keep the family fed, which they did through markets. If you are then suppressing these markets, you are putting people in extremely precarious situations. Key sectors, for example grains, are now pretty well all sold through state shops at a similar price to markets. Maybe there is a price control aspect to it, but the point is, the state has retaken control of large parts of the economy. In many ways it resembles what the DPRK looked like decades before, a very centrally controlled and planned economy. And that has human rights implications.

hpd: There's been credible reports about systemic undernourishment. Given the fact that North Korea basically closed itself off and has also cracked down on these private black markets, how's the situation of the population? Are we having a famine comparable in scope to the 1990s, can we say anything about actual food scarcity at the moment?

Heenan: Food has always been a problem, everyone, really everyone we interviewed has mentioned experiencing hunger at some point in their lives, even to the point of starvation. People have witnessed others starve to death. But we are nowhere near the 'arduous march' of the 90s.

During covid, there was severe problems because of the closures. You couldn't bring things into country and if you could, you couldn't transport them. We do have credible reports of people starving in the covid years, especially in 21 and 22, but not now. There is no famine in the DPRK, but there's chronic food issues that the government is relatively public about.

As you said, it's building on the past, you have intergenerational malnutrition. You have child stunting that continues into adulthood and touches on physical and mental abilities as well as child-bearing women if they don't have enough food. It's a very long and chronic problem that I think could actually be solved.

hpd: A few years ago, Human Rights Watch published report on the situation of women's rights in North Korea, which was a rather bleak read. What's the UN position on women's rights in the DPRK?

Everything I talk about has women's rights aspects. Firstly, because women are the majority of the population, just maybe not in the DPRK. Secondly, because there's always a gendered aspect to these phenomena, in every country. Particularly in the DPRK, which continues to have a very patriarchal society. The DPRK government is very strong on this, they say gender equality was achieved decades ago. That they had a very progressive constitution when they were formed – which is true – and that it's not an issue. But every country has issues with gender and gender equality.

The specific issues concerning women range through all human rights issues, but of specific concern at a *very* high level is the issue of gender and gender stereotypes in a patriarchal society. Women are portrayed as a supporting role to men, the wheels behind the revolution. Not the soldiers, those are men. Women are flowers or wheels, there's a lot of stereotypes left

When it comes down to much more specific issues, sexual and gender based violence is a real problem in the country. Both in the private and the public sphere. It doesn't get dealt with, because often it is seen as a family issue, so the authorities don't get involved. Women also often don't see an issue because they see it as normal that men should beat their wives. In the public sphere, this is facilitated by the human rights situation and corruption. To be able to fulfill their rights, to get food or education, in such a society, women regularly are subject to sexual and gender based violence. They are essentially providing sex for their rights.

When described like this, it sounds like almost every country in the world decades ago. It wasn't just the DPRK, we were grappling with it everywhere. But the DPRK needs to step up because it is slipping further and further behind.

When getting to the intersection of these stereotypes and the severe repression, results are catastrophic. If you get repatriated from China and are in a police station, as a woman you are extremely vulnerable to violence and sexual violence and there's very few protections. On other end of the scale women are doubly impacted by some phenomena. The closure of markets and the lack of food and healthcare collapses on women in a very traditional way. They are forced not only to care for house and children and put food on the table, but to actually earn the money to buy the food. The situation of women's rights in the DPRK is of real concern.

hpd: To close out, I would like to know, especially given that North Korea is now an active participant in a European war that Germany fights on the side of Ukraine with both munitions and money, if the UN and the High Commissioner could formulate a wish to Germany, what would that wish be? Going forward, what should the German perspective on North Korea be, both in light of this report and in light of the fact that our strategy in the last 10 years seems not to have fallen on open ears?

Heenan: Firstly, even though there hasn't been much progress inside the DPRK, a lot has been happening on DPRK and human rights *outside*. There's been phenomenal growth in civil society working on these issues, there's been lots of accountability efforts. People have sued the DPRK in civil suits in Japan, here in South Korea and in the United States and won damages. There's been a massive increase in the amount of documentation and legal analyses. A lot has been happening and one of the messages of this report is: "Don't think nothing's happened since 2014."

This report really pulls together what's been out there. We in the UN have produced 54 reports on the country since 2014. So a lot has been happening. For all member states, for Germany, but for all member states, the key for this is, again, two approaches:

Don't shy away from calling out violations and calling for accountability. But at the same time, outstretching the hand for engagement, because engagement is key. When you speak to North Korea, when you train people from North Korea about human rights, that means putting the ideas in their minds. And when they come to positions of power in so many years, they have this conception of human rights in their minds.

I think Germany has a very particular relationship with the DPRK, also because of the former GDR having a very strong relationship with the DPRK. Building on those historical links, Germany can be a country of influence, a country that can show how to improve things. The issues we deal with in the report go from the technical through to things there is no political will to change. For example, I mentioned food before. I think, large parts of the problem could be fixed through international assistance. Not just food aid, but assistance to fix the system. And that happened in the past. Germany could be a country to provide that.

At the other end you have issues like political prison camps, execution and torture, where it's not just a technical issue, but a political will issue. I think all member states should look at accountability and Germany has extraterritorial jurisdiction, so they should look at accountability if, for some reason, you happen to have an alleged perpetrator on your territory. You will certainly have victims on your territory.

Ultimately, as you say, I wouldn't quite say it hasn't worked in the last ten years, but we certainly need to try different approaches. The human rights council has tried many approaches, a Commissioner inquiry, a special rapporteur, a group of experts on accountability, a ten year report, an office in Seoul. So clearly we need to maintain the course because those things need to keep going, but maybe there is a need for a different approach. Member states will be having to decide that in the coming six months whether they want to take a different approach.

hpd: That was a very interesting perspective. Thank you for weighing in, Mr. Heenan.